

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Petition of Core Communications, Inc. for)	WC Docket No. 06-100
Forbearance under 47 U.S.C. Section 160(c))	
from Rate Regulation Pursuant to Section 251(g))	
and for Forbearance from Rate Averaging and)	
Integration Regulation Pursuant to Section 254(g))	

**COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.
ON APPLICATION FOR REVIEW**

Qwest Communications International Inc. (“Qwest”) hereby files these comments on an application for review filed by Core Communications Inc. (“Core”) in the above-captioned docket.

On April 27, 2006, Core filed a forbearance petition seeking forbearance from Section 251(g) of the Act and the Federal Communications Commission’s (“Commission”) implementing rules. Basically Core sought, through forbearance, to completely restructure the Commission’s intercarrier compensation rules. While expressing sympathy for the premise that the Commission ought to move quickly to resolve the numerous critical intercarrier compensation issues, Qwest opposed the Core petition, pointing out a number of fatal procedural and substantive defects.¹ The Commission’s statutory deadline for acting on the petition was April 27, 2007, unless extended for an additional three months.²

¹ Opposition of Qwest Communications International Inc. to Petition of Core Communications for Forbearance, filed June 5, 2006 in the above-captioned proceeding.

² 47 U.S.C. § 160(c).

On March 1, 2007, the Wireline Competition Bureau (“Bureau”) issued an *Order* extending the deadline for action to July 25, 2007.³ On March 28, 2007, Core filed the instant application. Core basically contends that the Bureau exceeded its delegated authority in issuing the *Extension Order*, especially as the *Order* did not explain in any degree of depth why the extension was “necessary to meet the requirements of subsection (a),” the basis upon which an extension is warranted in the Act.⁴ It is Core’s contention that the Bureau exceeded its delegated authority in extending the deadline, and that neither the Bureau nor the Commission itself can lawfully extend the deadline for action without a full explanation of why the extension was necessary.⁵

Core requests that the Commission either: 1) act on the Petition by April 27, 2007, 2) grant a 90-day extension based on an analysis of why the extension is “necessary” under the Act or 3) let the April time deadline pass without action (which, in Core’s opinion, would result in its forbearance petition being granted as a matter of law).

While Core presents some admirable research into the purpose and intent of the time deadlines in Section 10(c) of the Act, and raises some interesting (in the hypothetical) issues concerning whether the Commission really did delegate authority to extend the deadline for action on a forbearance petition to the Bureau, its petition misses the mark. The Commission may extend the time for action on a forbearance petition if it “finds that an extension is necessary

³ *In the Matter of Petition of Core Communications, Inc. for Forbearance from Sections 251(g) and 254(g) of the Communications Act and Implementing Rules*, Order, WC Docket No. 06-100, DA 07-927, rel. Mar. 1, 2007 (“*Order*” or “*Extension Order*”). Subsequently, on April 13, 2007, the Commission released an Erratum that corrected the extended date to July 26, 2007. Erratum, WC Docket No. 06-100, DA 07-1605.

⁴ 47 U.S.C. § 160(c).

⁵ Without the extension, the application would be “deemed granted” in the absence of a decision denying it by April 27, 2007.

to meet the requirements of subsection (a).”⁶ Subsection (a) of the Section sets forth the standards for granting a forbearance petition. Thus, reading the statutory language in its most logical form, an extension can be granted whenever the Commission finds that it has not finished the analysis required by subsection (a). Whether the necessity for more time to comply with subsection (a) was occasioned by the complexity of the issues to be addressed, an extraordinarily busy Commission schedule, or some other reason, would seem to be irrelevant. The statute tells the Commission that it may take an additional three months if it is necessary in order to comply with the statute. The contrary, and this is implicit in Core’s argument, is that the Commission should be required to demonstrate that it would not comply with the statute in the absence of the three-month extension. This is patently silly.

Moreover, it would seem to be a fairly straightforward matter to deny Core’s petition. Core seeks to restructure the intercarrier Compensation system through forbearance. As Qwest has pointed out,⁷ this approach to intercarrier compensation is neither lawful nor practical -- were the Commission to simply “forbear” from Section 251(g) of the Act, this action would not somehow magically implement new intercarrier compensation rules to replace the ones currently on the books.

⁶ 47 U.S.C. § 160(c).

⁷ See Opposition of Qwest Communications International Inc. to Petition of Core Communications for Forbearance, WC Docket No. 06-100, filed June 5, 2006, at 3-8.

In all events, Qwest submits that the Commission should deny the application for review. Qwest submits that the Commission should take the delegated authority argument seriously, and re-issue the extension within the original time deadline. However, the order itself need be no more detailed than the one issued by the Bureau. Ultimately the Commission should deny the Core forbearance petition.

Respectfully submitted,

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April 12, 2007

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have cawed the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC. ON APPLICATION FOR REVIEW** to be 1) filed with the FCC via its Electronic Comment Filing System in WC Docket No. 06-100; 2) served via e-mail on Ms. Victoria Goldberg, Wireline Competition Bureau at Victoria.goldberg@fcc.gov; 3) served via e-mail on the FCC's duplicating contractor Best Copy and Printing, Inc. at fcc@bcpiweb.com; and 4) served via First Class United States Mail, postage prepaid, on the parties listed on the attached service list,

/s/Richard Grozier

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